

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38631 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- HUSSAINGANJ District- Siwan

Sunil Singh Son of Baidhnath Singh Resident of village - Balli, P.S.-
Husainganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Husainganj P.S. Case No. 117 of 2024 registered on 13.04.2024 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received information about the petitioner making and selling country made liquor. A raid was conducted at the house of the petitioner and a person fled away from the spot. The neighbourhood people who assembled there disclosed the name of the petitioner as the escaped miscreant. In presence of two independent witnesses the house of the petitioner was searched and recovery of 27 litre of country made liquor, 4 gas cylinder, 2 big gas oven and other articles for manufacturing liquor were made from the courtyard of the house.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It

is apparent from the F.I.R. that at the time of recovery petitioner was not present at the spot. The house from where recovery has been shown is a joint family house and the petitioner has no concern with the seized illegal liquor and other articles. The offence under Excise Act are not maintainable against the petitioner. The petitioner is having one criminal antecedent in which he is on bail.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that the petitioner has one criminal antecedent of similar nature and recovery has been shown from the house of the petitioner and in such circumstances anticipatory bail petition is not maintainable.

06. Having regard to the facts that police recovered illicit liquor and other articles from the house of the petitioner, it cannot be said that no *prima facie* case is made out against the petitioner and also considering the criminal history of the petitioner, I do not think it is a fit case for grant of anticipatory bail.

07. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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